LAW OFFICES OF GEORGE B. FREEHILL WILLIAM L. JUSKA, JFCase 1:08-cv-018534BIIII Dold MGM 3 & Mied 04703/2008 Page 1 OF BERGEN AVENUE JAMES L. ROSS 80 PINE STREET JERSEY CITY, N.J. 07306 ERIC E. LENCK TELEPHONE (973) 623-5514 JOHN J. WALSH\* PATRICK J. BONNER\* NEW YORK, N.Y. 10005-1759 FACSIMILE (973) 623-3813 PETER J GUTOWSKI TELEPHONE (212) 425-1900 MARK F MULLER WAYNE D MEEHAN\* T OFFICE DON P. MURNANE, JR... HWAY SOUTH THOMAS M. RUSSO DARIEN, OT 06820-4538 TELEPHONE 203) 921-1913 USDS SDNY E-MAIL: reception @freehill.com THOMAS M CANEVARI APR U 3 2000 SIMILE (203) 358-8377 MICHAEL FERNANDEZ\*
JOHN F. KARPOUSIS\*:.. www.fre ill.com DOCUMENT MICHAEL E. UNGER\* WILLIAM J PALLAS ELECTRONICALLY FILED ~cf\ GINA M. VENEZIA U.S. DISTRICT JUDGE S.D.N.Y BARBARA G CARNEVALE\*
MANUEL A MOLINA **D**O(\*#:]

\* ALSO ADMITTED IN NEW JERSEY

LAWRENCE J. KAHN\* JUSTIN T. NASTRO\*

PAMELA L. SCHULTZ\*\* DANIEL J. FITZGERALD\*¹ a

JILL A. TAFT MICHAEL C. ELLIOTT\*

ALSO ADMITTED IN CONNECTICUT
ALSO ADMITTED IN WASHINGTON, D.C. " ALSO ADMITTED IN LOUISIANA

April 3, 2008

Our Ref: 109-08/PJG

## **BY HAND**

Honorable Harold Baer United States District Judge Daniel Patrick Moynihan United States Courthouse 500 Pearl St., Room 2230 New York, NY 10007

DATE FILED:

Trojan Maritime Inc. v. Rich Wealth Shipping et al. Re:

Civil Action No. 08-cv- 1863 (HB)

Dear Judge Baer:

We represent the Plaintiff Trojan Maritime Inc. in the subject maritime attachment proceeding and are writing Your Honor to request an adjournment of the initial conference which is currently scheduled for April 17, 2008 at 4:00 p.m. This is our first request for an adjournment.

The reason for our request is as follows. This matter involves a claim by Plaintiff for breach of a maritime contract of charter party which is subject to London arbitration. The merits will be decided in London and there will be no discovery or other substantive actions in connection with this New York action which was commenced for the purposes of obtaining security. Thus far, Plaintiff has been unable to locate and restrain any property of the Defendant within the district, but efforts to do so are continuing on a daily basis. If we were to notify our adversary of these proceedings now (before any property is restrained) by providing notice of an initial conference, the purpose for which the attachment was sought and this Court's order of attachment would be defeated.

NYDOCS1/301841.1

Accordingly, because the dispute is subject to London arbitration and because assets of the Defendant have not yet been restrained triggering the notice provision of Rule B, we submit that there is no need for a pre-trial scheduling conference and respectfully request that the April 17, 2008 be adjourned for 60 days at which time we will advise Your Honor whether we will continue the action.

We thank the Court for its consideration for this request.

Respectfully submitted, FREEHILL HOGAN & MAHAR LLP

Barbara G. Carnevale

NYDOCS1/301841.1

## Case 1:08-cv-01863-HB Document 9 Filed 04/03/2008 Page 3 of 3 Endorsement:

This is fine with me - although I could argue with your analysis. The problem is that with or without notice these Rule B attachments cannot go on forever. I will put this over until June 26 at 3:00 P.M. but if there is no word from you convincing me to continue the matter will be dismissed without prejudice.